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NAVAL WAR COLLEGE  
Newport, RI

Maritime Homeland Defense Command and Control:  
What is the Right Arrangement?

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A paper submitted to the faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.

The contents of this paper reflect my own personnel views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

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01 February 2002

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## Abstract of

### Maritime Homeland Defense Command and Control: What is the Right Arrangement?

The terrorist attacks of September 11<sup>th</sup> proved that American Homeland Defense is inadequate. Many proposals have been offered to solve the Command and Control arrangement for the Maritime portion of Homeland Defense, but each is hampered by organizational prejudices and therefore lack sufficient unity of effort to ensure successful mission accomplishment.

In order to successfully deter terrorism and meet the operational goals of Maritime Homeland Defense, an integrated Command and Control structure must be established. The commander must have access to a fused intelligence picture that incorporates all sources of intelligence. Once the commander is provided this Maritime Domain Awareness, the assets must not only be in place to act on the intelligence, but the commander must have sufficient control over those forces for execution of the Maritime Homeland Defense mission.

*“Our nation has been put on notice: We are not immune to attack. We will take defensive measures to protect Americans.”<sup>1</sup>*

**President George W. Bush  
20 September 2001**

## **INTRODUCTION**

President Bush, in his address to Congress and the nation on 20 September 2001, called on all Americans to take action against terrorism. The military has a major role in the defensive measures of which the President spoke, but the military is not the only agency with a role. Forces from the entire spectrum of federal, state and local agencies have been charged with Homeland Defense (HLD). Coordinating these disparate forces will take an aggressive Command and Control architecture to ensure unity of effort in thwarting the terrorists and protecting American lives and infrastructure.

Terrorism presents a much different threat to the nation than any other in our history. Terrorists can strike anywhere, and without warning. One of the most vulnerable areas for terrorist attack is the American maritime region. Defending the coastline, seaports and maritime industry, without impeding the free commerce vital to our national economic well-being, presents a major challenge. The maritime area we must defend is too large for any one organization to tackle alone. The Command and Control (C2) structure in place on 11 September 2001 to coordinate the actions of Maritime HLD organizations has proven to be inadequate. Since September 11<sup>th</sup>, numerous federal agencies have made proposals addressing the need for a more realistic C2 structure. In the Maritime HLD arena, the Coast Guard and the Navy have forwarded four proposals.<sup>2</sup> These proposals: the activation of Cold War Maritime Defense Zones, the Coast Guard’s concept of Homeland Security-Maritime, the Navy’s Joint Forces Maritime Component Commander concept and the combined

Regional Interagency Task Forces model, each falls short when measured against the operational goals for Maritime HLD. The de facto arrangement inadequately addresses the concerns inherent in coordinating such a massive effort.

The C2 structure for Maritime HLD cannot operate in isolation. Maritime HLD is an integrated subset of National HLD and as such cannot be separated from the National HLD C2 organization. Therefore, a National Homeland Defense Commander (HLDC) must be named to coordinate all Department of Defense (DOD) efforts in HLD. Under the HLDC, an overarching C2 structure is required to ensure unity of effort by all agencies involved in Maritime HLD. The commander must have a fused picture of the entire maritime region which can be communicated to all forces involved. Additionally, forces under this commander must work from a common operational plan and be sufficiently empowered to act according to that plan. Under such a structure, there needs to be an integrated, interagency task force responsible for a fused intelligence picture (Maritime Domain Awareness) and coordination of all forces involved in Maritime HLD.

### **FACTOR TIME, SPACE AND FORCE**

For Maritime HLD, the commander will be responsible for defending the entire American maritime region: 95,000 miles of American coastline<sup>3</sup>, including over 360 ports<sup>4</sup> and the seas out to 200 nautical miles from the coast. The commander faces significant numerical limitations in the forces available for controlling the resultant 3.4 million square miles of area. The commander of Maritime HLD will have to compete with other important missions, such as the offensive “war on terrorism” overseas and routine law enforcement duties, for assets from all agencies. Additionally, there are significant time concerns involved in Maritime HLD. A terrorist threat coming from overseas must penetrate the 200 nautical

mile buffer zone, giving significant time for the commander to react if he has proper intelligence. Without proper intelligence, there is little or no reaction time available. The C2 structure must be flexible, and fast enough to react to both of these potential scenarios.

## **DEFINING COMMAND AND CONTROL**

Command and Control is possibly the most important of all operational functions. C2 is the umbrella under which all other operational functions occur. By establishing who is in charge of the operation, the relationship between organizations in support of the operation can be defined and the span of control of the commander can be determined.<sup>5</sup> A C2 structure must be designed to achieve unity of effort. The most effective way to achieve unity of effort is through unity of command.<sup>6</sup> In the multi-agency arena of Maritime HLD, establishing unity of command is unlikely due to the large number of agencies involved, but the C2 arrangement devised should strive toward unity of command to the maximum extent practicable. Ultimately, the C2 structure must employ all forces and assets in order to meet all operational goals.

In order to meet operational goals, they first must be articulated. There has been much debate on the goals of Maritime HLD within Navy and Coast Guard circles, but a recent Coast Guard Pacific Area Operational Plan proposal provides a good summary. The operational goals of Maritime HLD are:

1. Avoid Catastrophic Losses – Defined as significant loss of life, severe economic impact, loss of military assets or symbols of national significance.
2. Maritime Domain Awareness – Complete awareness of all relevant information within the American maritime region. An all source, fused intelligence picture to ensure timely interception of potential terrorists.
3. Use Risk Based Analysis – This requires assessment of threat, vulnerability and criticality of “targets” and depends on a fused intelligence picture.
4. Increased Intelligence Capabilities – Identify intelligence short falls and leverage assets to focus on reducing the surprise of terrorist activities.



5. Maintain Commercial Flows – Measures must protect these flows without impeding them.
6. Economy of Force – HLD must not detract from offensive missions overseas and must strike terrorist centers of gravity. Not everything can be defended equally.<sup>7</sup>

Not all operational goals are equal. In Maritime HLD, the first two goals are most important. Ultimately, if the C2 structure is unable to avoid catastrophic losses, the mission has failed. The ability to achieve the remaining operational goals hinges on the success in achieving Maritime Domain Awareness. Without the complete, fused intelligence picture, the commander loses the battle of time and is unable to properly deploy forces to avoid catastrophic losses. The chosen C2 structure must be able to achieve these goals in order to be effective.

The C2 structure adopted for Maritime HLD must satisfy three basic tenets. First, it must be able to adequately control the vast area involved in HLD with appropriate assets to prevent terrorist attacks. Second, it must ensure that the assets from all federal, state and local agencies are united in their Maritime HLD efforts (ensure unity of effort). Finally, the commander must be able to accomplish the stated operational goals with the organization established. A C2 structure that does not satisfy all three of these requirements is unacceptable.

### **HOMELAND DEFENSE BEFORE SEPTEMBER 11<sup>TH</sup>**

At the height of the Cold War, the Navy and the Coast Guard developed a plan for maritime defense called Maritime Defense Zones (MDZ). Under this plan, the Coast Guard would be placed under the Department of the Navy (DON) in the event of a large scale conflict with the Soviet Union and the existing Coast Guard command structure would transition to command of the MDZ (see Figure 1).<sup>8</sup> This structure supported the Coast Guard's responsibility for port security and port safety under Federal Law (14 USC 2).<sup>9</sup>

Under the MDZ plan, the Coast Guard would assume all maritime defense functions in home waters, while the Navy fought the “away game” against the massed Soviet Fleet. MDZ planners envisioned a conventional military force as the threat and as such, Navy and Coast Guard training and organizational structures were designed to counter such a force.

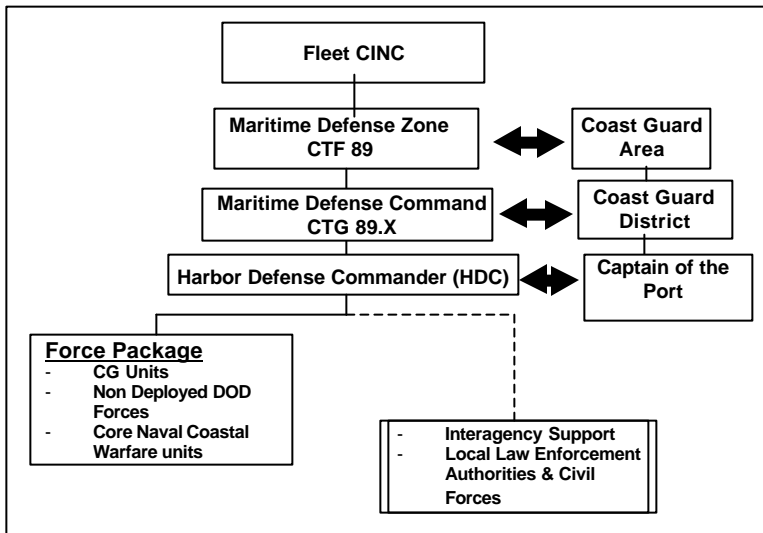


Figure 1 – MDZ Organization<sup>10</sup>

In the aftermath of the September 11<sup>th</sup> attacks, the MDZ was the first C2 organization put forward for Maritime HLD. The basic plans were in place and the C2 structure already existed. However, the Commandant of the Coast Guard did not see it advisable to transfer the Coast Guard to the DON. The Commandant felt that placing the MDZ under DOD would hinder the performance of the Coast Guard’s other duties<sup>11</sup> outlined in 14 USC 2.<sup>12</sup> By maintaining the Coast Guard under Department of Transportation (DOT) the Commandant believed that the Coast Guard could better utilized its Title 14 powers to enhance port security.<sup>13</sup>

The Coast Guard’s fear of being subjugating to DOD in HLD and thereby losing relevance in HLD is unfounded. Instead, by not transferring to DON, the MDZ Commander would not work for any DOD commander, thereby sacrificing unity of command over a

political issue of mission relevance. Since a large percentage of the assets required to defend the coast belong to DOD, a complex series of Memorandums of Understandings and other coordination documents would be necessary. This twist on the original arrangement removed the unity of command that the MDZ offered and strained unity of effort. The MDZ would also be dependent on several DOD area Geographic Commanders in Chief (CINC) to provide forces. For example, if the MDZ Commander wished to have Navy surface combatants patrol the approaches to Puget Sound, he would need ships from U.S. Pacific Command (PACOM). That transfer of forces would need to be requested via the Commandant of the Coast Guard, who in turn would make the request for forces from DOD. DOD would then order PACOM to transfer the required forces to the MDZ Commander, provided those forces were not tasked elsewhere. That arrangement sounds complex, and in fact it is. Each of the area CINCs has competing priorities for force deployment which would result in a severe reduction in unity of effort.

Another impediment to the MDZ plan is that it failed to address the use of non-military assets in the integrated defense of the American maritime region. Since the MDZ was designed for Cold War military defense, the requirement to integrate state and local agencies into the planned C2 structure was not as critical as in the war on terrorism. The failure to integrate all instruments of power severely compounds the handicapping of unity of effort in HLD.

In summary, the MDZ concept was vital for the Cold War, but it does not adequately address the changes in threat, nor the interagency cooperation required for the “War on Terrorism.” Additionally, without unity of command, the MDZ concept suffers a severe handicap in unity of effort. With the “off the shelf” C2 structure proven inadequate, the

search is on for a new organization that can adequately address all of the operational factors of time, space and forces involved in Maritime HLD. Since September 11<sup>th</sup>, three competing C2 proposals have surfaced to replace the MDZ concept in defending the American maritime region against terrorists.

## **C2 PROPOSALS POST SEPTEMBER 11TH**

### **Homeland Security-Maritime**

The Homeland Security-Maritime (HLS-M) concept has been presented as a new, compromise command arrangement since the attacks of September 11<sup>th</sup>. The command

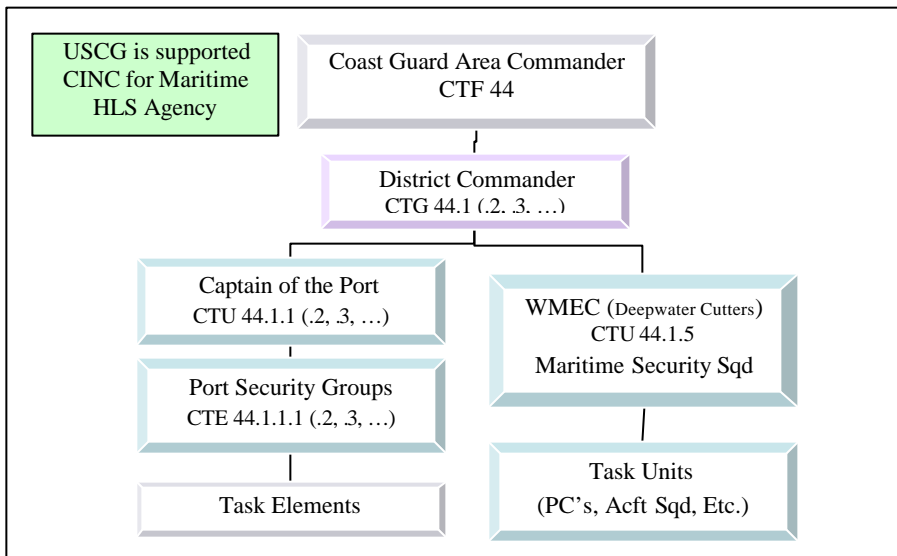


Figure 2 – Notional HLS-M Organization<sup>14</sup>

structure is similar to that of the MDZ with the significant difference being the Commander does not transfer to DON control (see Figure 2). HLS-M is designed to provide not only Maritime Defense, but allow the continued performance of the Coast Guard's other Maritime Security missions.<sup>15</sup>

HLS-M depends on a layered defense of the coast (see Figure 3) to provide security. The layered defense concept is not new, but is taken directly from Naval Coastal Warfare

(Naval Warfare Publication (NWP) 3-10 (REV A)), where it was designed for defense of DOD critical ports of embarkation.<sup>16</sup> The current challenge is expanding these concepts to all ports and coastal areas. Since the focus is no longer protecting the integrity of the deploying sealift convoy, but preventing both discrete and wide spread terrorist acts from incoming shipping and domestic sources, the assets required to perform these functions do not exist.

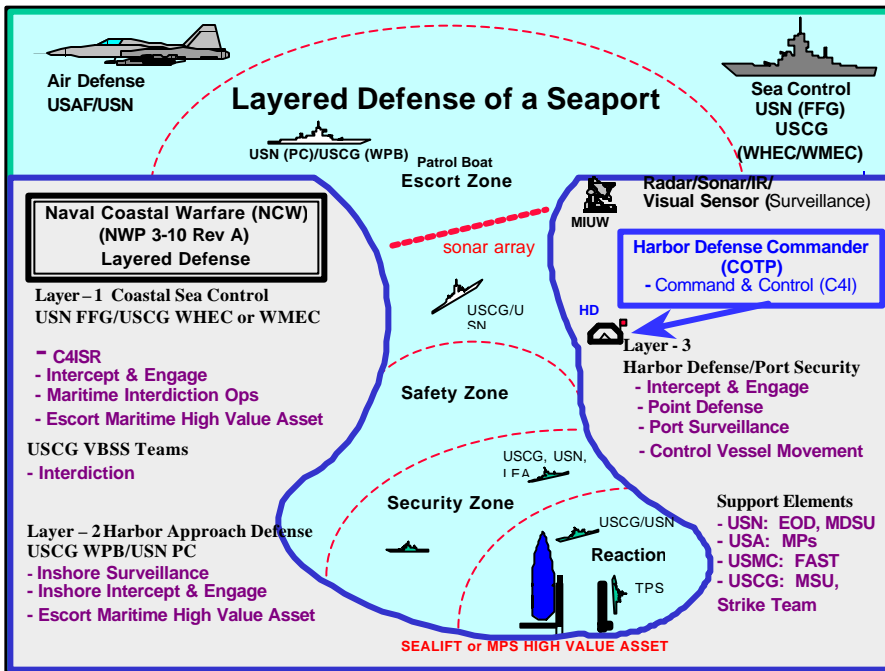


Figure 3 – Layered Defense of the Seaport<sup>17</sup>

The HLS-M concept relies on a flexible response based on three Maritime Security Conditions (MARSEC).<sup>18</sup> The intent of the MARSEC sequence is to address the need to expanded role of Naval Coastal Warfare to defend the entire American maritime region. As the threat increases, MARSEC conditions are increased, focusing assets in the region of the threat. Focusing assets directly serves the operational goal of risk based analysis, spreading assets to deter non-specific threats and concentrating assets on specific threats when those threats appear. Since MARSECs allow force employment across a wide

spectrum of increasing threats, the majority of the operational goals listed above are addressed.

There are problems with the MARSECs as currently defined. The Coast Guard is using the term “New Normalcy” to describe the post-September 11<sup>th</sup> routine operating conditions of MARSEC One.<sup>19</sup> Unfortunately, the Coast Guard has had difficulty articulating the details of the New Normalcy. The result is a confusion of mission priorities. The Coast Guard is sacrificing other missions in the name of HLD, especially the counter-narcotics and fisheries protection mission,<sup>20</sup> and none of these sacrifices have significantly increased the effectiveness of HLD. Additionally, the proponents of HLS-M have difficulty defining the triggering mechanism for setting the various MARSECs and the corresponding additional forces required. Also of concern is the manner in which forces are shifted to react to increasing MAREC levels. While in MARSEC One, forces are spread over the entire maritime region. Increasing threat levels would bring those assets closer and closer to the perceived threat until MARSEC Three is reached and the large majority of available assets are focused in one location. This shifting of resources would leave the rest of the system undefended. In this manner, when faced with a coordinated attack against multiple targets, HLS-M fails to meet the number one operational goal of avoiding catastrophic losses.

There are three other significant and recognized gaps in the HLS-M concept. First is the lack of unity of effort. By retaining its position in the DOT, the Coast Guard depends on the same series of agreements and understandings to get support from DOD forces that hampered the castigated MDZ concept detailed above. All the commands involved recognize the importance of defending the ports, but competing priorities make coordination of assets, especially Navy assets, extremely difficult.

Second, is the manner in which the various agencies view HLD. Title 10 and Title 14 forces each approach the execution of HLD in different manners. The Coast Guard, along with many other federal agencies, sees Maritime HLD as a *law enforcement* issue.<sup>21</sup> DOD views HLD, including Maritime HLD, as a *military function* as stated by the Secretary of Defense's Executive Agent for Homeland Security, Secretary of the Army Thomas White. Secretary White defined Homeland Defense as, "areas where [DOD] takes the lead in the activity... like maritime coastal protection, which Joint Forces Command would be responsible for, in conjunction with the Coast Guard."<sup>22</sup> Those competing viewpoints introduce significant interoperability issues between DOD (Title 10) forces and the Coast Guard (Title 14) forces that are not adequately addressed by the HLS-M arrangement. The difference between Chairman of the Joint Chief of Staff's Standing Rules of Engagement and Coast Guard Use of Force exasperates this problem. DOD assets working for a Coast Guard commander would still need a Coast Guard Officer present in order to perform law enforcement functions, and the commander would need to account for the differing expectations on use of force in employment of Navy assets.<sup>23</sup>

Finally, there is the concern over obtaining the operational goal of Maritime Domain Awareness. The Coast Guard does not have control over the wide range of intelligence assets required for complete Maritime Domain Awareness, especially for the threat from domestic sources. The Office of Naval Intelligence maintains a constant world wide track on high interest shipping to which the Coast Guard has access and, the Coast Guard has used its statutory authority to mandate that all ships entering U.S. ports notify the Coast Guard 96 hours prior to entry.<sup>24</sup> These two functions greatly increase the time available to screen incoming vessels, but are only part of the cueing required for flexible, effective response.

Under the HLS-M structure, the best the Coast Guard could hope for is *support* from other national intelligence assets. The Maritime Domain Awareness picture must be completely integrated for this scheme of operation to work.

So looking at HLS-M with regard to the aforementioned criteria for a C2 structure, HLS-M falls short in several respects. First, the MARSEC concept leaves vast expanses of the maritime region exposed to attack as the threat is increased and assets are focused onto a specific port or region. Next, unity of effort is severely hampered since the commander will depend on a large force contribution from other agencies without a formalized organization for coordinating these forces. And lastly, without that formalized interagency organization, HLS-M fails to maximize coordination of intelligence assets to achieve the best possible Maritime Domain Awareness and therefore fails to meet the operational goals of Maritime HLD.

#### **Joint Forces Maritime Component Commander (JFMCC)**

The Navy's response to HLS-M is to create a Joint Forces Maritime Component Commander (JFMCC). The JFMCC concept was under development before September 11<sup>th</sup>, but Joint Publication 3-32 (*Command and Control of Joint Maritime Operations*) is still in draft form. Additionally, JP 3-32 currently is designed to address the role of the JFMCC in expeditionary operations and does not address JFMCC application in HLD. Notably absent are any discussion of interagency coordination and the significant role of the Coast Guard in port security.<sup>25</sup> Expanding on the concept for HLD would place either a Coast Guard (Area Commander) or Navy admiral (Numbered Fleet) in charge of all assets involved in Maritime HLD, under a National Homeland Defense Command. The apparent advantage of this arrangement is achieving unity of command, virtually guaranteeing unity of effort. Under



the JFMCC concept, operational control (OPCON) of Navy and Coast Guard units involved in HLD would be transferred to the JFMCC, serving in a DOD organization.

There is precedent for operating Coast Guard units under DOD OPCON without relinquishing other Coast Guard authority. High endurance cutters routinely deploy with U.S. carrier battle groups, assisting in enforcement of UN Sanctions against Iraq. Placing other Coast Guard functions under DOD OPCON may not be as easy to accomplish, especially the Captains of the Ports (COTP).<sup>26</sup> The COTP has broad responsibilities for port security and port operations.<sup>27</sup> Placing those functions under DOD control essentially places the port under DOD control, a measure that goes counter to the operational objective of maintaining commercial flows. Even if the JFMCC is assigned to a Coast Guard admiral, he will still be working for a DOD HLDC and would therefore be a de facto DOD component commander.

To date, the Homeland Defense Commander has not been named, but there are three likely choices for the job: Joint Forces Command (JFCOM), the American component of the North American Air Defense Command (NORAD) and Southern Command (SOUTHCOM).<sup>28</sup> Unfortunately, none of these commanders has control of all the forces needed to defend the United States. PACOM controls all of the U.S. Navy forces based on the west coast of the United States. This would leave the JFMCC under a HLDC with only half of the military forces required to defend the American maritime region. Additionally, the JFMCC does not control the actions of other federal, state and local agencies that are required for control of the American maritime region. JFCOM has created a Joint Task Force for Civil Support (JTF-CS) that is designed to coordinate military participation in the response to terrorist attacks inside the U.S., but JTF-CS is not set up to coordinate the agencies that bring assets to bear for the HLD.<sup>29</sup> Before the JFMCC concept is adopted, the

HLDC must be named, the transfer of forces to defend the west coast to the HLDC must be resolved and a system must be established to coordinate the efforts of non-military agencies in Maritime HLD.

Another significant hindrance to the JFMCC concept is *Posse Comitatus* (18 USC 1385), a law dating back to 1878, preventing the use of federal troops for law enforcement.<sup>30</sup> The prohibition against DOD forces from performing law enforcement functions severely impacts the ability of the JFMCC to perform the lower echelon functions required of HLD such as port security. A significant tool in preventing terrorism is routine, but unpredictable, inspections and check points. The military has the authority to perform such inspections on military installations, but is prohibited from acting in such a manner outside military installations.<sup>31</sup> Senator John Warner (R-Va), the ranking minority leader on the Senate Armed Services Committee, is leading an effort to revise this law to allow the military more latitude in HLD.<sup>32</sup> Until this revision becomes reality, Title 10 forces will be hindered in the performance of several aspects of HLD.

The JFMCC model is the approach the military would prefer. The JFMCC fits in with current joint doctrine and would easily fit into the command structure of an HLDC. Comparing the JFMCC model to the initial C2 criteria however, there are some areas that fail to meet the tenets for a sound C2 structure. Although unity of command is achieved among several Navy and Coast Guard forces, Pacific and Atlantic Coasts are not under the same commander. Additionally, there is not a formal agency for coordination of federal, state and local agency participation in HLD. Therefore, unity of effort suffers in the JFMCC concept. Additionally, by not integrating other federal, state and local agencies, the range of intelligence assets required to achieve operational goal of Maritime Domain Awareness

would not be controlled by the JFMCC. So, like the HLS-M concept, Maritime Domain Awareness cannot be guaranteed by a JFMMC. Finally, with the COTP reporting to a DOD component commander, there is risk of militarizing the port systems. Militarizing the ports jeopardizes the operational goal of maintaining commercial flows, especially if DOD forces do not have sufficient law enforcement capability to assist the COTP. With the Coast Guard and Navy proposals failing to address all the requirements for a satisfactory C2 structure, an organization developed to answer another complex C2 arrangement offers another potential solution to Maritime HLD C2.

### **Regional Interagency Task Force Model**

The “War on Drugs” has been waged for decades using a complex C2 structure to orchestrate the actions, information and assets of a wide variety of government organizations. The current manifestation of this is the Joint Interagency Task Force (JIATF). The JIATF was created primarily to oversee detection and monitor efforts in the counter-narcotics mission. The JIATFs operate as 24-hour per day joint operations centers, coordinating detection and monitoring assets among the various counter drug elements. There are a limited number of units operating under direct Tactical Control of the JIATF, and there are agency representatives in the JIATF with limited authority to task units within their own organization.<sup>33</sup> There are two JIATFs currently working the “War of Drugs” that could be expanded to support the larger “War on Terrorism.” To do this, the counter-narcotics mission must be integrated into the HLD mission since both missions use many of the same assets and can be mutually supportive.

The JIATF model has been expanded to the Regional Interagency Task Force (RIATF) (see Figure 4) to account for the greatly increased space and force involved in HLD.

The RIATF provides a significant advantage over the other models, specifically providing the commander with a synthesized, all source, picture of Maritime Domain Awareness. From this increased Maritime Domain Awareness, the commander should be able to better place assets to counter threats as they arise.

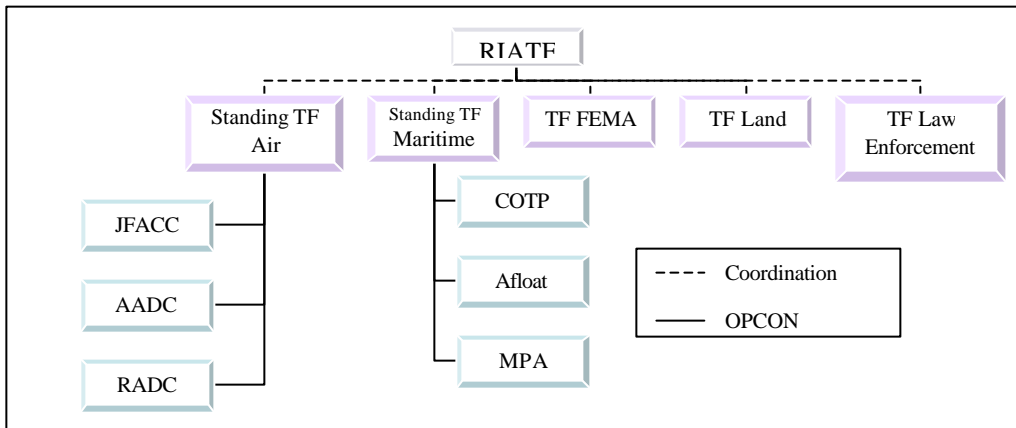


Figure 4 – Notional RIATF Organization<sup>34</sup>

The RIATF model still falls short in some of the other aspects required for effective C2. Although the RIATF is the only model that provides for a formalized coordination of the various federal, state and local agencies essential to Maritime HLD, the RIATF commander would not have direct OPCON over all assets required to execute HLD missions. RIATF would still depend on numerous supporting commands and agencies to accomplish the interception and execution aspects of the HLD mission. A minor drawback to the RIATF model is that RIATF is very manpower intensive, thereby compromising the operational goal of economy of force. Additionally, like all of the models presented to date, whether the RIATF will be able to achieve the number one operational goal, avoid catastrophic losses, remains to be seen.

The RIATF organization best institutionalizes unity of effort by incorporating the involved agencies into a common structure. This is the best way to ensure the flow of

information and asset allocation for complete Maritime Domain Awareness necessary for Maritime HLD. Without OPCON of the forces required to execute HLD mission, the RIATF commander still lacks sufficient unity of effort. By combining the intelligence coordination of a RIATF with a viable force for mission execution under his operational control, the Maritime HLD commander will be able meet all of the operational goals and be in the best position to thwart terrorist attack in the American maritime region.

## **RECOMMENDATIONS**

The right C2 structure for Maritime HLD is an integrated structure encompassing both fusion of intelligence in the form of Maritime Domain Awareness and the ability to respond to that intelligence with forces under direct control of the commander. Figure 5 shows the manner in which that synthesis can be achieved.

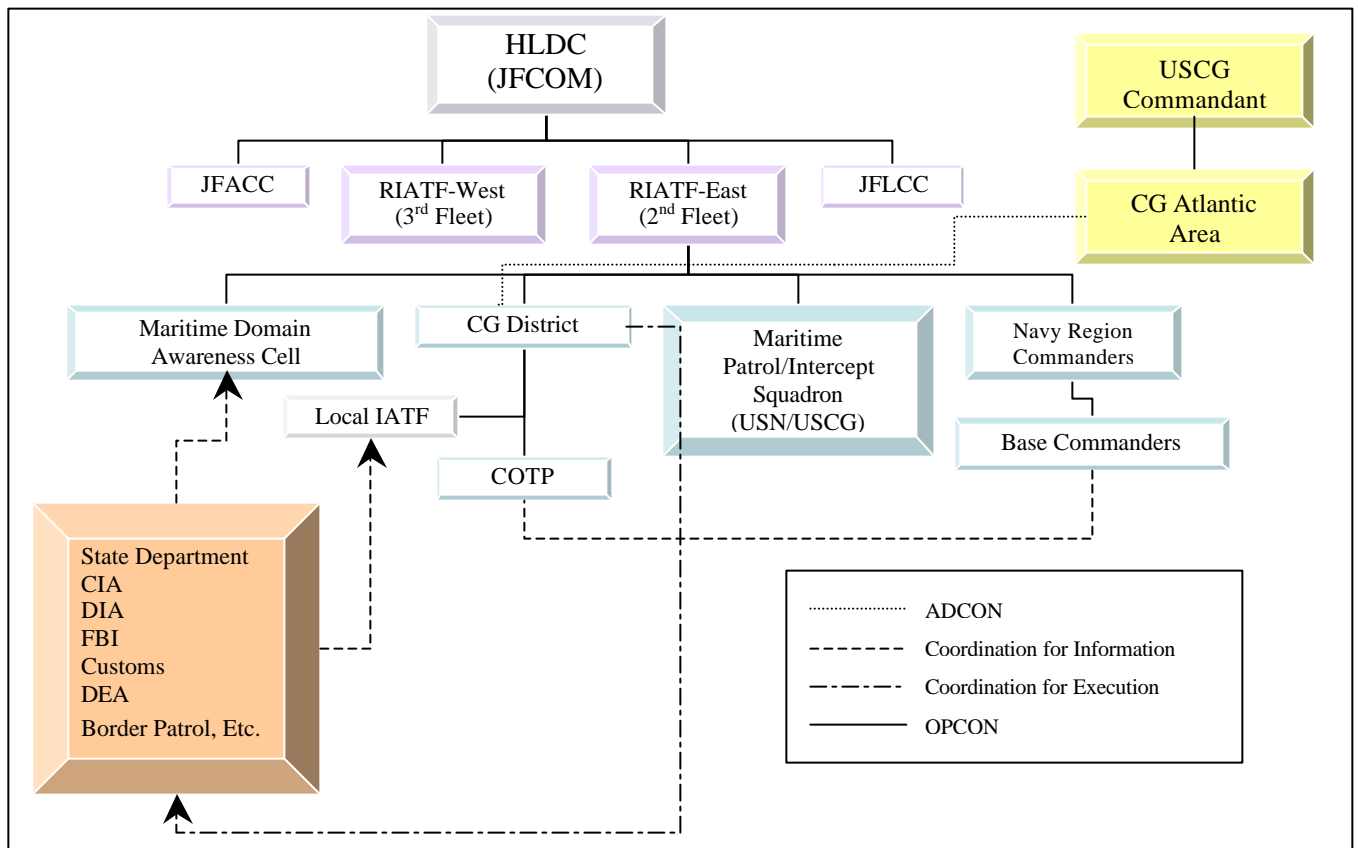


Figure 5 – Proposed RIATF Structure

Maritime HLD must be recognized as only a portion of the entire HLD challenge, and therefore must be incorporated into a larger National HLD structure. DOD is the only agency with both the national reach and the staffing to command such a National HLD structure. The Secretary of Defense needs to designate a National HLD Commander. JFCOM is the best choice for this position because the preponderance of forces required for HLD are already under his control and the staff is already geared toward the HLD mission.

Next, JFCOM must be provided with all of the forces required to defend the American homeland, including the American maritime region. Most notably, that includes transferring control of the Pacific Coast (and the waters out to 200 nautical miles) from PACOM to JFCOM, including Combatant Command (COCOM) of those assets stationed on the west coast that are necessary for HLD functions. This will not relieve JFCOM of the responsibility of providing forces to other regional CINC's operations overseas, but in order to adequately defend the American homeland, there must be no question of who is in charge. Having COCOM of both Atlantic and Pacific Homeland Forces allows for common doctrine, training and operational planning for both coasts and a greater unity of effort in nationwide HLD.

JFCOM is a DOD organization, but as detailed above, no single organization can provide all the forces and assets needed to defend the American maritime region. The primary challenges are creating the complete Maritime Domain Awareness and allocation of assets to protect and defend the maritime infrastructure from attack and infiltration by terrorists without impeding the maritime commercial flow. Of these challenges, ensuring integrated Maritime Domain Awareness presents the greatest benefit. Several of the terrorists identified in the September 11<sup>th</sup> attacks were on at least one agency's watch list.

But that information was not available to Federal Aviation Administration (FAA) personnel, so the FAA was not looking for the terrorists. By establishing an Interagency Task Force along the model of the JIATF, information from all federal, state and local agencies can be fused and presented to a common commander focused on defending the United States against terrorism. Since a national fused Maritime Domain Awareness picture is too involved for a single JFMCC, two Regional Interagency Task Forces (RIATF) should be established to coordinate efforts on each coast under the umbrella of the HLDC. Second and Third Fleet Commanders are in the ideal position to command these RIATF Headquarters which should be initially stood up using JIATF East/West personnel and built up with duly empowered personnel from all involved federal agencies.

The Coast Guard is tasked in 14 USC 2 with Maritime Security, a significant subset of Maritime HLD. As such, they should be the lead federal agency for Maritime Security, but not Maritime HLD. The Coast Guard needs to be incorporated into the RIATF headquarters at all levels. This can be done without disrupting the current Coast Guard command structure by leveraging that structure to ensure coordination below the RIATF. A Coast Guard deputy should be named to the RIATF Commander to ensure coordination of HLD activities with Coast Guard assets not directly assigned to HLD. Each Coast Guard District Commander should be given a staff similar to the RIATF to coordinate state and local agencies and insure information is shared at all levels of effort. The District Commander also should be empowered to employ forces in their respective region, regardless of component, to ensure security of the American maritime region. To do this, the District Commander must also be accountable to the RIATF Commander, who ultimately controls placement of assets. By working for the RIATF, under a DOD HLDC, the District

Commander has greater ability to request assets necessary for contingencies within their region.

Finally, *Posse Comitatus* needs to be revised. Making the Armed Forces the American police force is not a desirable end state. But, there are some arenas to which the military brings significant assets that could be better served if the military had some limited jurisdictional power. The current manner of using declared Presidential Emergencies to authorize military use in law enforcement is an anachronism. If the Navy is going to participate in the interdiction of potential terrorists off the U.S. coast, Congress needs to grant U.S. Naval vessels and personnel the authority to stop, search and seize ships and suspects commensurate with that of the Coast Guard in American territorial waters and on the high seas to the extent allowed by the International Law of the Sea. Additionally, the law needs to be revised to allow National Guard troops under federal control to continue performing law enforcement duties, and the areas in which military security personnel have jurisdiction needs to be expanded beyond military bases to specified areas vital to the national interest such as critical port infrastructure.

## **CONCLUSION**

The country was shocked into awareness on September 11<sup>th</sup>. The thousands of miles of ocean separating us from our enemies is no longer sufficient to protect us from direct attack. This realization came as no surprise to many military planners, but the actualization of the threat brought significant weaknesses in national defense to light. Planning for HLD was still focused on Cold War assumptions. When foreign terrorists struck with such catastrophic results on American soil, those assumptions went up in the smoke, leaving contingency plans for HLD obsolete. Since September 11<sup>th</sup>, every agency with an interest in



HLD has sounded off, identifying the shortfalls in HLD and many have set forth proposals on how to rectify the shortfalls, but each proposal has been incomplete because no one is willing to commit to bold changes in the status quo. The threat is real and the establishment needs to be willing to change to counter the threat. By establishing a National HLDC, DOD can take the lead and use its expertise in defense operations, intelligence coordination, staff operations to defend against terrorism. JFCOM, as HLDC, will need control of the areas he is charged to defend, so a significant shift in forces must be made, assigning the Pacific Coast of the U.S. and its associated Navy assets to JFCOM for coordination in HLD. The Navy needs to leverage its staff experience with the JIATF to form Regional organizations that focus on coordinating the Maritime Domain Awareness required for allocating resources and best thwarting terrorism at home. The Coast Guard needs to be integrated into this structure at all levels to ensure seamless interoperability of forces at the point of attack. And finally, the Congress needs to give military forces the necessary law enforcement capacity to assist in the deterrence and defeat of terrorists. There are many paradigms that must shift for this to occur. One look at the New York sky line should remind us that no one organization's ego is worth the senseless death of innocent people.

## END NOTES

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<sup>1</sup> This is from the now famous “We will not tire, we will not falter and we will not fail” speech that so helped to galvanize the nation for the long road ahead in the War against Terrorism. President George W. Bush, “Address to a Joint Session of Congress and the American People,” Washington, DC, 20 September 2001.  
<<http://www.whitehouse.gov/news/releases/2001/09/print/20010920-8.html>> [03 January 2002].

<sup>2</sup> Defending the American Homeland, (Washington, DC: Heritage Foundation, January 2002): 1.

<sup>3</sup> Stephen E. Flynn, “Homeland Security is a Coast Guard Mission,” U.S. Naval Institute Proceedings, (October 2001): 74.

<sup>4</sup> Department of Transportation, Statement of Admiral James M. Loy on Strengthening U.S. Security Against Maritime Threats Before the Subcommittee on Oceans and Fisheries, United States Senate, 11 October 2001: 2.

<sup>5</sup> Chet Helms, “Operational Functions” (Naval War College reading 4103A, Newport, RI: U.S. Naval War College, undated), 4.

<sup>6</sup> Ibid, 2.

<sup>7</sup> Commander Pacific Area Coast Guard Forces, “Maritime Homeland Security OPLAN: Operational Design/Draft”, (02 January 2002): 1-2.

<sup>8</sup> Department of the Navy, Naval Coastal Warfare, NWP 3-10(Rev. A) (Washington, DC: May 1998), 1-8 to 1-9.

<sup>9</sup> General Law, U.S. Code, Title 14, sec 2 (1996).

<sup>10</sup> Maritime Homeland Security Wargame Briefing slides, 07-09 November 2001.

<sup>11</sup> James B. Brinkman, Coast Guard Atlantic Area Plans and Exercises, telephone conversation with author, 02 January 2002.

<sup>12</sup> Other Maritime Security missions of the Coast Guard include: Marine Environmental protection, Search and Rescue, Maritime Law Enforcement, Marine Safety inspections and Maintaining Aids to Navigation. General Law, U.S. Code, Title 14, sec 2 (1996).

<sup>13</sup> Brinkman.

<sup>14</sup> Wargame Briefing slides.

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<sup>15</sup> See note 12.

<sup>16</sup> NWP 3-10 (Rev A), Chapter 2.

<sup>17</sup> Wargame Briefing slides.

<sup>18</sup> MARSEC One: “New Normalcy”

Increased:

Intel & Fusion  
Harbor Patrol  
Protection of Assets  
Air Surveillance

MARSEC Two: “Risk”

Increased:

Air Surveillance of Approaches  
Critical Infrastructure Support  
Aids to Navig. & Ice Breaking, as required  
Targeted Cutter Support to Ports  
Heightened Port Control

MARSEC Three: “Attack”

Increased:

Air Surveillance of Approaches  
Critical Infrastructure Support  
Restrictions in Vessel Movement  
Cutter Support to Ports  
Heightened Port Control

Wargame Briefing slides.

<sup>19</sup> Brinkman.

<sup>20</sup> Comparing Coast Guard Activity on 10 September 2001 and 09 October 2001, the following data shows the dramatic shift in mission priorities after September 11<sup>th</sup>. These imbalances cannot be maintained indefinitely.

<u>Mission</u>	<u>10 Sep 2001</u>	<u>09 Oct 2001</u>	(% Coast Guard Activity)
Port Security	12	54	
Counter Drug	19	6	
AMIO	5	0	
Fisheries	15	<1	
(Other missions not significantly changed)			
Wargame Briefing slides.			

<sup>21</sup> Brinkman.

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<sup>22</sup> Thomas E. White, “Briefing on Homeland Security” Washington, DC, 26 October 2001. <[http://www.defenselink.mil/news/Oct2001/t10262001\\_t1026sa.html](http://www.defenselink.mil/news/Oct2001/t10262001_t1026sa.html)> [03 January 2002]

<sup>23</sup> Brinkman

<sup>24</sup> Defending the American Homeland: 80.

<sup>25</sup> Department of the Navy, Command and Control of Joint Maritime Operations, JP 3-32 (DRAFT).

<sup>26</sup> The Captain of the Port is a unique position. The COTP is responsible for the safe, efficient operation of the port under their charge including coordinating the actions of the various port authorities and law enforcement agencies with jurisdiction in the port. Additionally, they are responsible for controlling vessels entering and departing the port, ensuring all vessels comply with US Maritime regulations and coordinating inspections of vessels for Marine Safety. The COTP is also responsible for coordinating incident response within the port to include: environmental protection (i.e. oil spills), marine accidents, natural disasters (hurricanes, earthquakes effecting port facilities) and the results of terrorist attacks. Obviously the COTP is a busy person and shackling the COTP with DoD restrictions could potentially inhibit his ability to perform all of these functions without severely reducing the pace of operations in the port.

<sup>27</sup> James M. Loy, “The Role of the Coast Guard in Homeland Security,” The Heritage Foundation (Washington, DC, 17 December 2001): 6.

<sup>28</sup> Defending the American Homeland: 82.

<sup>29</sup> Ibid: 83

<sup>30</sup> Ibid: 81-82

<sup>31</sup> Mike O. Lacey and Brian J. Bill, ed., “Operational Law Handbook” (Charlottesville, VA, 2001): 19-10, 19-11.

<sup>32</sup> The President has used his limited authority, during declared emergencies to direct the military to apprehend and detain Non-US citizens suspected of terrorism or supporting terrorist activity, but that Military Order, signed by the President 13 November 2001, is aimed primarily at persons captured in military operations outside the US in order to try them as part of a military tribunal vice the civil court system. This order is limited to non-citizens apprehended outside the United States, but does not extent to operations in the United States. “Defense Officials Close to Naming New Homeland Security Command”, Inside the Pentagon (Washington, DC, 06 December 2001).

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<sup>33</sup> Department of the Navy, Maritime Counter Drug and Alien Migrant Interdiction Operations, NWP 3-07.4 (Washington, DC, May 2000), 1-8.

<sup>34</sup> Wargame Briefing slides.

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